

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GARY BARTLOMIEJCZAK,
Plaintiff,

v.

ORDER
08-CV-831A

DONALD LIVINGSTON
and
TIMOTHY HOWARD,
Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On February 4, 2011, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motion for summary judgment be granted and plaintiff's motion for summary judgment be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion for summary judgment is granted and plaintiff's motion for summary judgment is denied.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 22, 2011